

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CANDY WORKMAN, on behalf of) Case No.
herself and all others similarly situated,)

Plaintiff,)

vs.)

PROFESSIONAL ACCOUNT)
SERVICES, INC. d/b/a PASI, and)
DOES 1 through 10, inclusive, and each)
of them)

Defendant.)

CLASS ACTION

**COMPLAINT FOR VIOLATIONS
OF:**

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]
2. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227 ET
SEQ.]

DEMAND FOR JURY TRIAL

Plaintiff CANDY WORKMAN (“Plaintiff”), on behalf of herself and all
others similarly situated, alleges the following upon information and belief based
upon personal knowledge:

NATURE OF THE CASE

1. Plaintiff brings this action for herself, and others similarly situated
seeking damages and any other available legal or equitable remedies resulting from
the illegal actions of PROFESSIONAL ACCOUNT SERVICES, INC. d/b/a PASI
(hereinafter “PASI”), in negligently, knowingly, and/or willfully contacting

1 Plaintiff on Plaintiff's cellular telephone in violation of the Telephone Consumer
2 Protection Act, 47. U.S.C. § 227 *et seq.* ("TCPA"), thereby invading Plaintiff's
3 privacy. PASI will be referred to as "Defendant."
4

5 **JURISDICTION & VENUE**

6 2. Jurisdiction is proper under 28 U.S.C. § 1331 because this matter
7 arises out of a question of federal law—namely, the Telephone Consumer
8 Protection Act.
9

10 3. Venue is proper in the United States District Court for the Eastern
11 District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) and because Defendant
12 does business within the State of Pennsylvania.
13
14

15 **PARTIES**

16 4. Plaintiff, CANDY WORKMAN, is a natural person residing in West
17 Virginia, California and is a "person" as defined by 47 U.S.C. § 153 (10).
18

19 5. Defendant, PASI ("Defendant") is a third-party debt collection
20 agency, and is a "person" as defined by 47 U.S.C. § 153 (39). The above named
21 Defendant, and its subsidiaries and agents, are collectively referred to as
22 "Defendants." The true names and capacities of the Defendants sued herein as
23 DOE DEFENDANTS 1 through 10, inclusive, are currently unknown to Plaintiffs,
24 who therefore sues such Defendants by fictitious names. Each of the Defendants
25 designated herein as a DOE is legally responsible for the unlawful acts alleged
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27
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1 herein. Plaintiffs will seek leave of Court to amend the Complaint to reflect the
2 true names and capacities of the DOE Defendants when such identities become
3 known.
4

5 6. Plaintiffs are informed and believe that at all relevant times, each and
6 every Defendant was acting as an agent and/or employee of each of the other
7 Defendants and was acting within the course and scope of said agency and/or
8 employment with the full knowledge and consent of each of the other Defendants.
9 Plaintiffs are informed and believes that each of the acts and/or omissions
10 complained of herein was made known to, and ratified by, each of the other
11 Defendants.
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15 **FACTUAL ALLEGATIONS**

16 7. Beginning in or around September 10, 2021, Defendant contacted
17 Plaintiff on her cellular telephone number ending in 6987, in an attempt to solicit
18 sales for online products.
19

20 8. Defendant contacted or attempted to contact Plaintiff from telephone
21 number (614) 763-6154.
22

23 9. Defendant used an “automatic telephone dialing system”, as defined
24 by 47 U.S.C. § 227(a)(1) to place its call to Plaintiff seeking to solicit votes for the
25 aforementioned politician.
26

27 10. Defendant utilized an “artificial or prerecorded voice” as prohibited
28

1 by 47 U.S.C. § 227(b)(1)(A).

2 11. Defendant's calls constituted calls that were not for emergency
3 purposes as defined by 47 U.S.C. § 227(b)(1)(A).
4

5 12. Defendant's calls were placed to telephone number assigned to a
6 cellular telephone service for which Plaintiff incurs a charge for incoming calls
7 pursuant to 47 U.S.C. § 227(b)(1).
8

9 13. Plaintiff is not a customer of Defendant's services and has never
10 provided any personal information, including his cellular telephone number, to
11 Defendant for any purpose whatsoever. Accordingly, Defendant never received
12 Plaintiff's "prior express consent" to receive calls using an automatic telephone
13 dialing system or an artificial or prerecorded voice on her cellular telephone
14 pursuant to 47 U.S.C. § 227(b)(1)(A).
15
16
17

18 CLASS ALLEGATIONS

19 14. Plaintiff brings this action on behalf of herself and all others similarly
20 situated, as a member of the proposed class (hereafter "The Class") defined as
21 follows:
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23
24

25 All persons within the United States who received any
26 solicitation/telemarketing telephone calls from
27 Defendant to said person's cellular telephone made
28

1 through the use of any automatic telephone dialing
2 system or an artificial or prerecorded voice and such
3 person had not previously consented to receiving such
4 calls within the four years prior to the filing of this
5
6 Complaint
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8

9 15. Plaintiff represents, and is a member of, The Class, consisting of All
10 persons within the United States who received any collection telephone calls from
11 Defendant to said person's cellular telephone made through the use of any
12 automatic telephone dialing system or an artificial or prerecorded voice and such
13 person had not previously not provided their cellular telephone number to
14 Defendant within the four years prior to the filing of this Complaint.
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16

17 16. Defendant, their employees and agents are excluded from The Class.
18 Plaintiff does not know the number of members in The Class, but believes the Class
19 members number in the thousands, if not more. Thus, this matter should be
20 certified as a Class Action to assist in the expeditious litigation of the matter.
21
22

23 17. The Class is so numerous that the individual joinder of all of its
24 members is impractical. While the exact number and identities of The Class
25 members are unknown to Plaintiff at this time and can only be ascertained through
26 appropriate discovery, Plaintiff is informed and believes and thereon alleges that
27
28

1 The Class includes thousands of members. Plaintiff alleges that The Class
2 members may be ascertained by the records maintained by Defendant.

3 18. Plaintiff and members of The Class were harmed by the acts of
4 Defendant in at least the following ways: Defendant illegally contacted Plaintiff
5 and Class members via their cellular telephones thereby causing Plaintiff and Class
6 members to incur certain charges or reduced telephone time for which Plaintiff and
7 Class members had previously paid by having to retrieve or administer messages
8 left by Defendant during those illegal calls, and invading the privacy of said
9 Plaintiff and Class members.
10

11 19. Common questions of fact and law exist as to all members of The
12 Class which predominate over any questions affecting only individual members of
13 The Class. These common legal and factual questions, which do not vary between
14 Class members, and which may be determined without reference to the individual
15 circumstances of any Class members, include, but are not limited to, the following:
16

- 17 a. Whether, within the four years prior to the filing of this
18 Complaint, Defendant made any solicitation/marketing call
19 (other than a call made for emergency purposes or made with
20 the prior express consent of the called party) to a Class member
21 using any automatic telephone dialing system or any artificial
22 or prerecorded voice to any telephone number assigned to a
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cellular telephone service;

b. Whether Plaintiff and the Class members were damages thereby, and the extent of damages for such violation; and

c. Whether Defendant should be enjoined from engaging in such conduct in the future.

20. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

21. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

22. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual

1 issues. By contrast, the conduct of this action as a class action presents fewer
2 management difficulties, conserves the resources of the parties and of the court
3 system, and protects the rights of each Class member.
4

5 23. The prosecution of separate actions by individual Class members
6 would create a risk of adjudications with respect to them that would, as a practical
7 matter, be dispositive of the interests of the other Class members not parties to such
8 adjudications or that would substantially impair or impede the ability of such non-
9 party Class members to protect their interests.
10

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12 24. Defendant has acted or refused to act in respects generally applicable
13 to The Class, thereby making appropriate final and injunctive relief with regard to
14 the members of the California Class as a whole.
15

16 **FIRST CAUSE OF ACTION**

17 **Negligent Violations of the Telephone Consumer Protection Act**

18 **47 U.S.C. §227 et seq.**

19
20 25. Plaintiff repeats and incorporates by reference into this cause of action
21 the allegations set forth above at Paragraphs 1-28.
22

23 26. The foregoing acts and omissions of Defendant constitute numerous
24 and multiple negligent violations of the TCPA, including but not limited to each
25 and every one of the above cited provisions of 47 U.S.C. § 227 et seq.
26

27 27. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et
28

1 seq., Plaintiff and the Class Members are entitled an award of \$500.00 in statutory
2 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

3
4 28. Plaintiff and the Class members are also entitled to and seek injunctive
5 relief prohibiting such conduct in the future.

6
7 **SECOND CAUSE OF ACTION**

8 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

9 **Act**

10 **47 U.S.C. §227 et seq.**

11
12 29. Plaintiff repeats and incorporates by reference into this cause of action
13 the allegations set forth above at Paragraphs 1-32.

14
15 30. The foregoing acts and omissions of Defendant constitute numerous
16 and multiple knowing and/or willful violations of the TCPA, including but not
17 limited to each and every one of the above cited provisions of 47 U.S.C. § 227 et
18 seq.

19
20 31. As a result of Defendant's knowing and/or willful violations of 47
21 U.S.C. § 227 et seq., Plaintiff and the Class members are entitled an award of
22 \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C.
23 § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

24
25
26 32. Plaintiff and the Class members are also entitled to and seek injunctive
27 relief prohibiting such conduct in the future.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act

47 U.S.C. §227 et seq.

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection

Act

47 U.S.C. §227 et seq.

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

TRIAL BY JURY

33. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted this 10th Day of November, 2022.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

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